

REASONS FOR ALLOWANCE

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/12/10 has been entered.

2. The following is an examiner's statement of reasons for allowance:

In a telephone interview with Applicant's representative, Richard Henderson, the obviousness rejections of the final office action dated 2/1/2010 were discussed in detail. Specifically, Mr. Henderson pointed out, as was done in the response dated 7/12/10, that the experimental data from the 132 declarations re-summarized in tables 1 to 3 when taken together support a conclusion that neither the Hahn or Eicken prior art references would have led one of ordinary skill in the art to expect the type of improvement demonstrated. Also, Mr. Henderson stated both in the interview and in the response that these types of tests were typical in the art, have a strong track record with those skilled in the art as useful indicators of relative biological activities, and were used by prior art references such as Hahn et al. In addition, although Eicken teaches a broad genus of compounds closely related to those of the instant claims (differing at least by the methyl vs. trifluoromethyl substitution at the "G1" position), one of skill in the art would have little reason to select the particular compounds cited in the prior office action out of the more than one hundred species disclosed (have structurally diverse elements

such as Eicken's "A" group) without any associated testing for activity. Therefore, the examiner reconsidered the obviousness rejections and decided to withdraw the rejections.

Claims 19-22, and 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn et al. (Han'guk Nonghwa Hakhoechi (2001), 44(3), p. 191-196). This rejection is hereby withdrawn for the reasons described above and specifically the fact that the prior art does not teach the types of alkyl groups for "Z" or "X5" (claim 33) nor does it suggest the levels of activity described in the 132 declarations when the alkyl chains are extended.

Claims 19-22, and 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Eicken et al. (US 5,589,493) in view of Hahn et al. (Han'guk Nonghwa Hakhoechi (2001), 44(3), p. 191-196) and Silverman, R. B. (The Org. Chem. of Drug Design and Drug Action, Academic Press, Inc.: San Diego, 1992, pp. 4-51). This claim rejection is withdrawn for the reasons described above.

The double patenting rejection of claims 19-22 and 28 over 10/588491 is withdrawn because the scope of the claims no longer constitute obvious subject matter as a result of amendments to both sets of claims, specifically the '491 application requires an "A" group of pyrazole.

Previously withdrawn claim 33 is rejoined and allowed. Although the substitution at the "X5" or "Z" position differs from the claims 19-22 and 28, it is not an obvious variant of the closest prior art of record.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT HAVLIN whose telephone number is (571)272-9066. The examiner can normally be reached on Mon. - Fri., 7:30am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert Havlin/
Examiner, Art Unit 1626